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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,443	06/26/2003	Raymond Dueck	VIDI-003	7140
7590	04/12/2006		EXAMINER RINEHART, KENNETH	
Michael S. Neustel Suite No.4 2534 South University Drive Fargo, ND 58103			ART UNIT	PAPER NUMBER
			3749	

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/608,443	Applicant(s) DUECK ET AL.	
	Examiner Kenneth B. Rinehart	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Response to Arguments***

Applicant's arguments filed 4/8/06 have been fully considered but they are not persuasive. The applicant appears to be arguing that the reference does not show a secondary combustion chamber and a silica collector. The examiner disagrees. The reference clearly shows the secondary combustion chamber per the rejection. The reference also shows the silica collector as silica is one of the fluxing agents for the slag and will be found in the slag trap. Regarding applicant's arguments concerning biomass, such fuels are contemplated by the patent per column 4, lines 10-20. Regarding the applicant's arguments concerning non analogous art, this argument is not pertinent as Rackley was used to reject claims under 35 USC 102. Regarding claim 23, In response to applicant's argument that Rackley is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. In this case, the teaching reference teaches the cart limitation which is pertinent to the problem of transport that the applicant was concerned about.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-22, 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Rackley et al (5022329). Rackley shows a primary combustion chamber (cyclone furnace, fig. 3); a secondary combustion chamber fluidly connected to said primary combustion chamber (56, fig. 3); and a silica collector positioned at a bottom of said secondary combustion chamber for collecting liquid silica (26, fig. 1), said silica collector is comprised of a container (28, fig. 2), feeding a volume of biomass into a primary combustion chamber (col. 4, line 9), combusting said biomass within said primary combustion chamber resulting in producer gas (gas in flue, fig. 3), combusting said producer gas within a secondary combustion chamber fluidly connected to said primary combustion chamber (reburn burners, fig. 3); and collecting a volume of silica at a bottom of said secondary combustion chamber (26, fig. 1), a volume of liquid within said silica collector (28, fig. 2), said step of collecting a volume of silica is comprised of collecting said volume of silica within a silica collector positioned approximately at a bottom of said secondary combustion chamber (28, fig. 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rackley (5022329) in view of Noack (2375436). Rackley discloses a primary combustion chamber (cyclone furnace, fig. 3); a secondary combustion chamber fluidly connected to said primary combustion chamber (56, fig. 3); and a silica collector positioned at a bottom of said secondary

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combustion chamber for collecting liquid silica (26, fig. 1). Rackley discloses applicant's invention substantially as claimed with the exception of said silica collector is comprised of a cart. Noack teaches said silica collector is comprised of a cart (7, fig. 1) for the purpose of removing the slag to provide for more efficient operation of the apparatus. It would have been obvious to one of ordinary skill in the art to modify Rackley by including said silica collector is comprised of a cart as taught by Noack for the purpose of removing the slag to provide for more efficient operation of the apparatus so that the slag does not accumulate on the ground.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

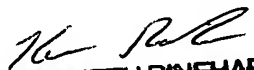
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B. Rinehart whose telephone number is 571-272-4881. The examiner can normally be reached on 7:20 -4:20.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on 571-272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kbr


KENNETH RINEHART
PRIMARY EXAMINER